

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TIMOTHY G. HARVEY,)
Plaintiff,) CASE NO. C12-5769-JLR-MAT
v.)
MICHAEL ASTRUE,) REPORT AND RECOMMENDATION
Commissioner of Social Security,)
Defendant.)

Plaintiff brought this action to seek judicial review of the denial of his application for Supplemental Security Income and Disability Insurance Benefits by the Commissioner of the Social Security Administration. The parties have now stipulated that this case should be reversed and remanded. (Dkt. 20.)

Based on the stipulation of the parties, the Court recommends this case be REVERSED and REMANDED for further administrative proceedings pursuant to sentence four of 42

01 U.S.C. § 405(g).¹ The parties stipulate that, on remand, the Administrative Law Judge (ALJ)
02 will: (1) allow plaintiff the opportunity to provide updated medical records; (2) evaluate all
03 evidence including the evidence in Exhibits 17F and 18F, and, in so doing, further evaluate
04 plaintiff's impairments; (3) obtain vocational expert testimony; (4) offer plaintiff the
05 opportunity for a new hearing; and (5) issue a new decision. The parties further agree that the
06 ALJ will not disturb any decision(s) favorable to plaintiff that are based on any subsequent
07 application for Social Security benefits.

08 Given the above, the Court recommends that United States District Judge James L.
09 Robart immediately approve this Report and Recommendation and order the case REVERSED
10 and REMANDED for further administrative proceedings. A proposed order accompanies this
11 Report and Recommendation.

12 DATED this 28th day of January, 2013.

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15 Mary Alice Theiler
16 United States Magistrate Judge
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22 1 The parties did not clarify whether they sought review pursuant to sentence four or sentence
six of § 405(g). From a review of the stipulated motion and the record as a whole, it appears that the
parties seek a sentence four remand.